GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public services - Departmental Proceedings against Sri Dangeti Sainath, the then I/C Executive Engineer, Rural Water Supply & Sanitation Department (P) Division, Vijayawada now retired from Service under the provisions of Rule 20 of AP Civil Services(CCA) Rules, 1991 - Articles of Charge – Issued

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PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.RT.No. 499 **Dated: 05-09-2024**

Read the following:-

1. Letter from the ENC, RWS&S Lr No. Vig(II)/RWS&S/Vja/ Misappropriation Of Funds2022, Dated:02.02.2024.
2. Govt. Memo No.2419701/Vig.VI/2024, dt:08.05.2024.
3. From the ENC, RWS&S Lr.No. Vig(1)/RWS&S/Vja/Misappropriation of Funds/2022, dt:18.06.2024 received on 11.07.2024
4. GO Ms No. 54, PR&RD(VIG.VI) Dept, dt:05/09/2024

Order :-

In pursuance of the sanction accorded in the reference first read above under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the Revised Pension Rules, 1980, it is proposed to hold an inquiry against Sri Dangeti Sainath, the then I/C Executive Engineer, Rural Water Supply & Sanitation Department (P) Division, Vijayawada now retired from Service in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures-III and IV).

3. Sri Dangeti Sainath, the then I/C Executive Engineer, Rural Water Supply & Sanitation Department (P) Division, Vijayawada now retired from Service, is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri Dangeti Sainath, the then I/c Executive Engineer, Rural Water Supply & Sanitation Department (P) Division, Vijayawada now retired from Service is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 20 of the APCS (CCA) Rules, 1991, or the orders/directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him exparte, based on the material available on record.

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6. The receipt of the proceedings shall be acknowledged along with Annexure- I, II, III & IV.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Dangeti Sainath, the then Executive Engineer I/C, Rural Water Supply & Sanitation Department (P) Division, Vijayawada now retired from Service (w.e) through the Engineer-in- Chief, Rural Water Supply & Sanitation Department, Vijayawada.
The Engineer-in-Chief, Rural Water Supply & Sanitation Department, Vijayawada (with a request to serve the Charged Officer with dated acknowledgement and send the same for record)

Copy to
The PR&RD(Est.II) Department.
The Secretary to Vigilance Commission, APVC, Velagapudi.

// FORWARDED :: BY ORDER //

SECTION OFFICER

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ANNEXURE–I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI D. SAINATH, THE THEN I/C EXECUTIVE ENGINEER, RURAL WATER SUPPLY & SANITATION DEPARTMENT DIVISION, VIJAYAWADA.

CHARGE :-

That Sri D.Sainath, during his tenure as I/C Executive Engineer, Rural Water Supply & Sanitation Department, Vijayawada and now retired, committed a grave irregularity by misappropriating and misusing Water Usage Charges collected in Rural Water Supply & Sanitation Department Division Vijayawada, resulting in misappropriation of government funds and causing severe financial loss to the Government exchequer.

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

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ANNEXURE–II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI DANGETI SAINATH, THE THEN I/C EXECUTIVE ENGINEER, RURAL WATER SUPPLY & SANITATION DEPARTMENT DIVISION, VIJAYAWADA.

The Deputy Executive Engineer, V&QC, Rural Water Supply & Sanitation Department, Vijayawada, has submitted his inquiry report on the "Allegations of misappropriation of funds" in Rural Water Supply & Sanitation Department (P) Division, Vijayawada. The report is based on the complaint lodged by Sri K. Nochan Kumar, Jr. Assistant, Office of the Engineer-in-Chief, Rural Water Supply & Sanitation Department, against Sri D. Sainath (Rtd), Executive Engineer, Rural Water Supply & Sanitation Department (P) Division, Vijayawada, and others. In his report, the Deputy Executive Engineer, V&QC, Rural Water Supply & Sanitation Department, Vijayawada, noted the following findings:

Upon assuming the charge of Executive Engineer on 07.02.2015, Sri D. Sainath maintained two SBI accounts for private water user charges. The realization amounts were not remitted to the CEO, ZP, Machilipatnam, and were not disclosed in the annual accounts submitted each year to the CEO, ZP, Machilipatnam. Upon reviewing the cash book for the period from 28.03.2011 to 08.12.2020 for SBI A/c No. 31689379651, Bhaskararaopeta, Vijayawada, it was found that Sri D. Sainath made expenditures/withdrawals amounting to Rs 82,22,523/-, which were collected as water user charges from various CPWS Schemes.

The I/c Executive Engineer, Rural Water Supply & Sanitation Department (P) Vijayawada, collected water user charges from various CPWS Schemes that were supposed to be credited to the SBI Account at Bhaskararaopeta branch, Vijayawada. However, the user charges were credited only up to 06.02.2015. Instead of maintaining the existing SBI Account, Sri D. Sainath opened a new account at Syndicate Bank, Siddartha Nagara, Vijayawada and this account has been credited less amount of water user charges until his retirement i.e., 31.07.2021. Furthermore, he transferred an amount of Rs. 40,00,000/- to the new account on 30.03.2015, and this amount was remitted to the CEO, ZP, Machilipatnam. On perusal of cashbooks, transaction statements of SBI A/C No. 31689379651, BhaskaraRaopeta, Vijayawada. Sri D. Sainath has been found to have misappropriated government funds in the following instances:

1. He misappropriated an amount of Rs 8,34,579/- for purchase of Stationery, Cartridges, Pen drives and service charges etc wherein it is complained by Sri K.Nochan Kumar that the above amount was merely utilized for the personal use of Sri D.Sainath, the then Executive Engineer.

2. He incurred an expenditure of Rs. 2,40,464/- and issued a cheque in favor of Divya Car Trades for engaging private vehicles for VIP Protocol during April 2017-Sept 2017, which remains unreimbursed.

3. An amount of Rs 10,85,118/- has been drawn by banker’s cheque on

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closing the above account (A/C No. 31689379651, SBI, Bhaskararaopeta, Vijayawada) on 08.12.2020 and has remitted to the concerned head until his retirement (31.07.2021).

4. A cheque was issued in favour of Sri S.R.R. Constructions for Rs. 2,94,000/- as remuneration for supply of Data Entry operators. Only Rs. 2,78,280/- has been reimbursed, leaving a balance of Rs. 15,720/- outstanding.

5. An amount of Rs. 4,59,269/- was withdrawn for POLs from May 2015 to Jan 2018 from the water user charges account, however this amount has not been reimbursed yet.

6. An expenditure of Rs. 3,13,990/- was recorded in the cash book under interest accumulated funds or on reimbursable conditions to meet office expenses for contingents and stationery. However, no sufficient interest is available. The interest accumulated for the period from (2015-2021) was Rs. 2,23,490/- only, and the remaining Rs. 85,500/- has not been reimbursed to the water user charges account.

7. An expenditure of Rs. 3,62,804/- was withdrawn for the purchase of various items, such as computers, ACs, hard discs, Stan disk, motherboard, laser printer, USB-board, cartridge and toner refilling, AC repairs, speakers, laptop touch screen, etc., and this amount has not been reimbursed. Furthermore, the Tools and Plants (T&P) items purchased were not properly accounted for in the T&P account of the division.

8. An expenditure of Rs. 1,57,844/- was incurred for purchasing office furniture, office repairs, wall care putty, and labor charges, which have not been reimbursed.

9. An expenditure of Rs. 1,01,580/- was made by withdrawing in favor of 3rd party persons to meet the expenditure for Government Vehicle no. AP-16-BR-1894 for repairs, and this amount has not been reimbursed.

10. A withdrawal of Rs. 2,00,00/- was made and transferred to NRDWP support funds on 01-01-2020, but this amount has not been reimbursed.

11. The total misappropriated funds amount to (Rs. 459269 + 834579 + 240464 + 1085118 + 15720 + 85500 + 362804 + 157844 + 101580 + 200000 = Rs. 35,42,878/).

The total misappropriated funds amount to Rs 35,42,878/-. This amount, Rs 35,42,878/-, was neither remitted to the concerned department heads nor utilized for genuine purposes, especially during the incumbency of Sri D. Sainath, (Executive Engineer Retd).

On 08-10-2015, an amount of Rs 13,31,058/- was credited to the second water user charges account of Canara Bank (previously Syndicate Bank A/c No. 33652210057332), which is currently idle, for water user charges simultaneously.

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There is a lack of comprehensive and effective control over water user charge receipts, expenditures, and sufficient safeguards against loss due to waste, misuse, and mismanagement in the cash books.

As per government accounts procedure, expenditures shall be credited directly to the bank account of the supplier or service provider, not through government employees, with an exemption only for emergency services to avoid disconnections, such as power, internet, telephone charges, etc. However, Sri D. Sainath, (Executive Engineer Retd), has withdrawn amounts totaling Rs. 12,93,848/- (459269 +834579) for personal use.

In accordance with the AP Financial Code, every expenditure from public funds must be sanctioned by competent authority and provided with sufficient funds. Most of the above expenditures could have been covered by the NRDWP support funds instead of water user charges.

The above misappropriation of funds is found in one account only, i.e., SBI A/C No.31689379651 Bhaskara Peta, VJA.

From this evidence, it is clear that Sri D. Sainath (Retired) I/c Executive Engineer has misappropriated government funds, misutilized his official powers for personal use, and caused a significant loss to the Government exchequer in the amount of Rs. 35,42,878/-. This action is a violation of Rule (3) of APCS (Conduct) Rules 1964.Hence the charge.

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

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ANNEXURE-III

LIST OF DOCUMENTS IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI DANGETI SAINATH, THE THEN I/C EXECUTIVE ENGINEER, RURAL WATER SUPPLY & SANITATION DEPARTMENT DIVISION, VIJAYAWADA (Rtd.,).

1. Letter from the ENC, RWS&S Lr No. Vig(II)/RWS&S/Vja/ Misappropriation Of Funds 2022, Dated:02.02.2024.
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SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI DANGETI SAINATH, THE THEN I/C EXECUTIVE ENGINEER, RURAL WATER SUPPLY & SANITATION DEPARTMENT DIVISION, VIJAYAWADA (Rtd.,).

-NIL-

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER